

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**SOCIAL POSITIONING INPUT
SYSTEMS, LLC,**

Plaintiff,

vs.

MOBISOFT INFOTECH, LLC,

Defendant.

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Case No: 4:21-cv-01557

PATENT CASE

COMPLAINT

Plaintiff Social Positioning Input Systems, LLC (“Plaintiff” or “SPIS”) files this Complaint against Mobisoft Infotech, LLC (“Defendant” or “Mobisoft”) for infringement of United States Patent No. 9,261,365 (hereinafter “the ‘365 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with a virtual office located at 1 East Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

4. On information and belief, Defendant is a Texas limited liability company with its principal office located at 1811 Bering Dr, Suite 200, Houston, Texas 77057.

5. On information and belief, this Court has personal jurisdiction over Defendant

because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 9,261,365)**

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '365 Patent with sole rights to enforce the '365 Patent and sue infringers.

11. A copy of the '365 Patent, titled "Device, System and Method for Remotely Entering, Storing and Sharing Addresses for a Positional Information Device," is attached hereto as Exhibit A.

12. The '365 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

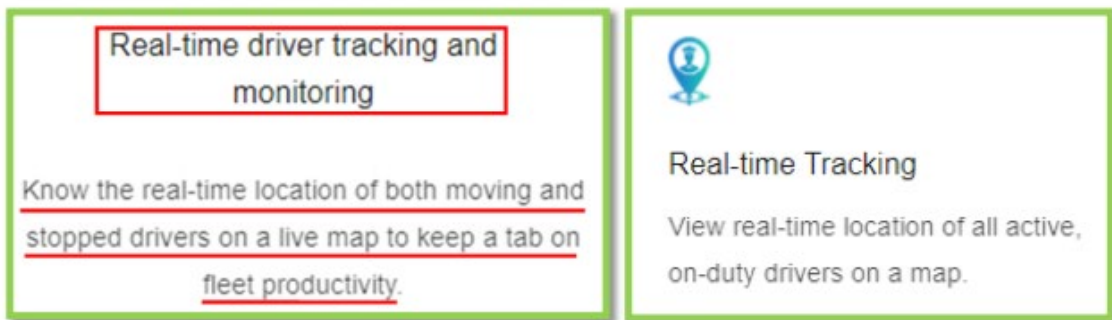
13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '365 Patent by making, using (at least by

having its employees, or someone under Defendant's control, test the accused Product), importing, selling, and/or offering for sale associated hardware and software for asset locating services (e.g., TrackRobo asset tracking platform, and any associated hardware, apps, or other software) ("Product") covered by at least Claim 1 of the '365 Patent. Defendant has infringed and continues to infringe the '365 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

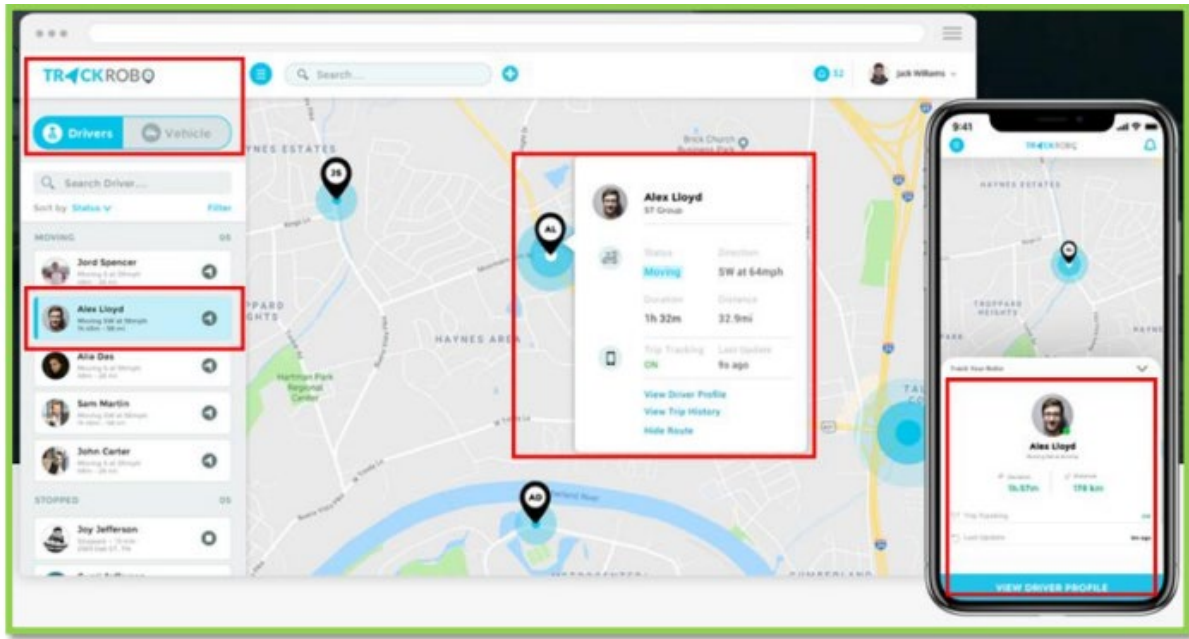
14. The Product provides an asset tracking system for real-time GPS tracking of assets. A user can receive location information on a positional information device (e.g., mobile device or computer). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source: <https://mobisoftinfotech.com/products/fleet-tracking-app-trackrobo>

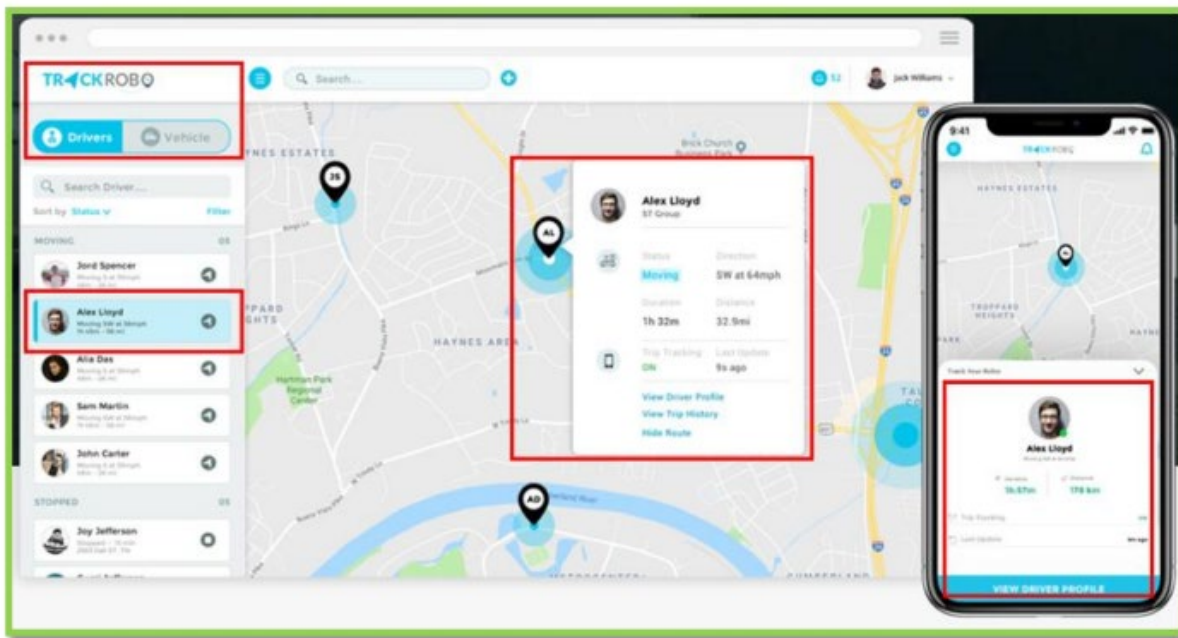


Source: <https://mobisoftinfotech.com/products/fleet-tracking-app-trackrobo>

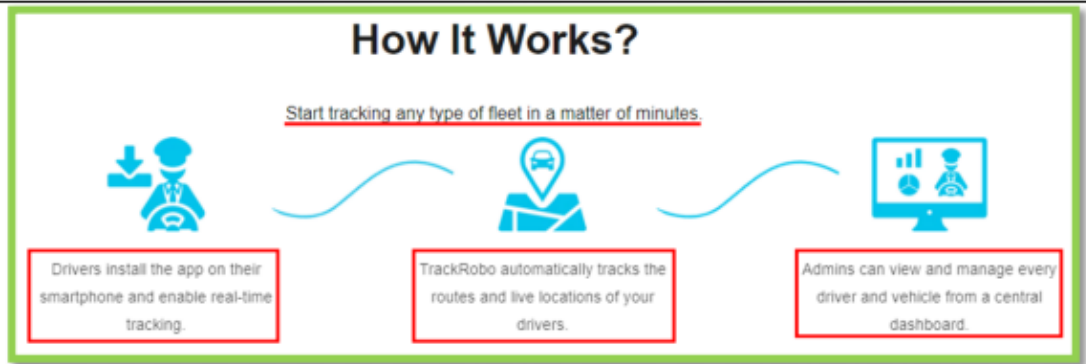


Source: <https://mobisoftinfotech.com/products/fleet-tracking-app-trackrobo>

15. The Product software sends a request from a first (requesting) positional information device (e.g., mobile device or desktop with software installed) to a server. The request is for the real-time location (e.g., stored address) of an asset, and includes a first identifier of the requesting positional information device (e.g., user ID and password for the Product software used in the particular enterprise). The request is sent to the Product server for transmitting the vehicle location. The server receives the at least one address from a second (sending) positional information device at the asset. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source: <https://mobisoftinfotech.com/products/fleet-tracking-app-trackrobo>

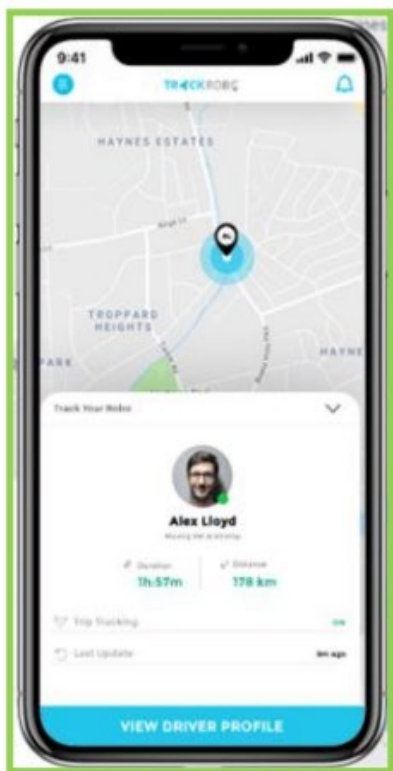


Source: <https://mobisoftinfotech.com/products/fleet-tracking-app-trackrobo>



Source: <https://apkpure.com/trackrobo/com.trackrobo.driver>

16. The at least one address is received from the server at the requesting positional information device. For example the Product's server transmits the position of an asset (at least one address) to the requesting positional information device. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Track your driver fleet from an app

Equip your drivers with native fleet tracking apps to enable real-time monitoring of their location and activities.

Source: <https://mobisoftinfotech.com/products/fleet-tracking-app-trackrobo>

Start Fleet Tracking For Free

TrackRobo allows any fleet manager to effortlessly set up fleet tracking by equipping their drivers with an intuitive fleet tracking app and configuring everything from a central dashboard in a few minutes.

Source: <https://mobisoftinfotech.com/products/fleet-tracking-app-trackrobo>

How It Works?

Start tracking any type of fleet in a matter of minutes.



Drivers install the app on their smartphone and enable real-time tracking.



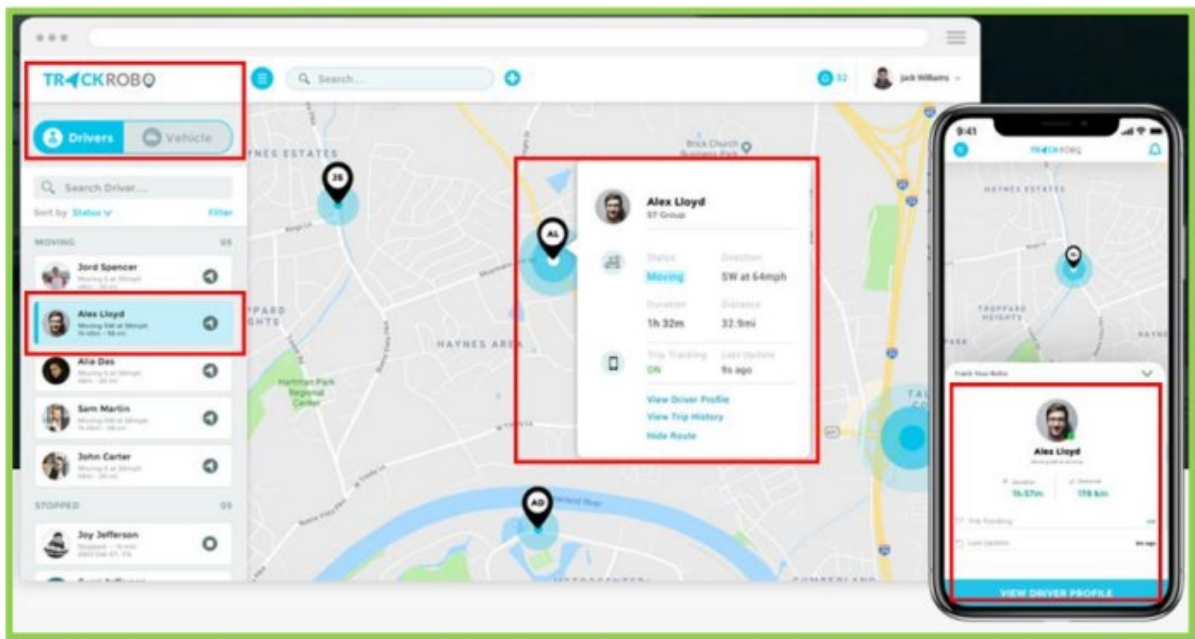
TrackRobo automatically tracks the routes and live locations of your drivers.



Admins can view and manage every driver and vehicle from a central dashboard.

Source: <https://mobisoftinfotech.com/products/fleet-tracking-app-trackrobo>

17. A second identifier for the second (sending) positional information device is determined based on the first identifier and the server retrieves the at least one address stored in the at least one sending positional information device. The Product application installed on the requesting positional information device requests (from the server) the asset's GPS location (i.e., at least one stored address stored). As shown above, before activating the tracker (i.e., the sending positional information device), a unique tracking device's ID number (i.e., second identifier) needs to be added to the user's account identified by the user login ID and password (i.e., the first identifier). Hence, the tracker device's ID number or field employee credentials (i.e., second identifier) is mapped to the user's login ID (i.e., the first identifier) for tracking the real-time location (i.e., at least one stored address stored) of the vehicle. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source: <https://mobisoftinfotech.com/products/fleet-tracking-app-trackrobo>

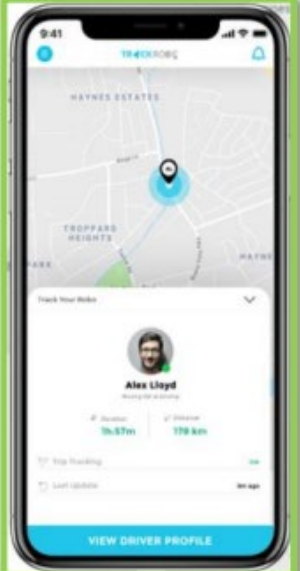



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Login with Valid Credentials

Track your driver fleet from an app

Equip your drivers with native fleet tracking apps to enable real-time monitoring of their location and activities.

Source: <https://mobisoftinfotech.com/products/fleet-tracking-app-trackrobo>

Source: <https://apkpure.com/trackrobo/com.trackrobo.driver>

18. Defendant's actions complained of herein will continue unless Defendant is

enjoined by this court.

19. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

20. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,261,365 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: May 12, 2021

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

State Bar No. 24067322

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